

## OGDEN NEWS

Office, 2484 Washington Avenue  
Ogden, Tuesday, Dec. 1.

### WALKER REPEATS HIS STORY THrice

Man Accused of Murder Not Shaken on Cross-Examination—Mrs. Hughes Talks.

(Special to The Herald.)  
Los Angeles, Dec. 16.—"We were in terror when we were forced to marry hurriedly and leave Utah for fear we would meet with some awful fate," said Mrs. William Hughes, formerly of Salt Lake, when seen at the Sequoia tonight.  
"Dr. Beers' father was continually hounding me with detectives and I grew so nervous under their constant and menacing surveillance that I just had to get away. Mr. Beers wanted me to testify against Walker, who killed my husband. He was a husband, I told the truth. He was so anxious to send Mr. Walker to prison and hoped to do it on my testimony. I could not conscientiously give such evidence. Beers also tried to drop the prosecution of my husband, but he did not succeed. I am so glad to be away from there."  
Mr. Hughes confirmed his wife's statements and said:  
"The way hired detectives treated my wife was shameful. We did not consider ourselves safe. I was in fear of my life and went heavily armed. I am glad, of course, I will not be called upon to use my gun." Mr. Hughes said he will take his wife to San Francisco, where he expects to find employment.  
Frank S. Beers, father of Dr. Earl S. Beers, for whose death Fred C. Walker is now being tried, denied the story of Mrs. William Hughes, his former daughter-in-law, to the effect that he had hounded her, as stated in the report. He says that he had spoken to the woman but twice since his return from Nebraska, and that he had received a number of letters from her urging him to drop the prosecution of the man accused of being her husband's slayer. Mr. Beers said that the letters were typewritten, and that he was not sure they were written by someone other than herself.

After being on the stand for more than six hours, a greater portion of which time he was under cross-examination, Fred C. Walker, accused of the murder of Dr. Earl S. Beers, was excused from testifying further at 2:30 o'clock yesterday afternoon.

He came out of the ordeal with his story virtually as he recited it on direct examination. Three times he recited what he claimed to be the true facts directly leading up to the tragedy and each time he repeated the same story.

Walker was confronted with the envelopes, not before introduced, that are said to have carried his letters to his wife at Los Angeles. These bore dates different from that upon which he testified the letters were written, and one of the letters bore a different date from that upon which he said he wrote it, but he stuck to his story throughout and refused to admit that there was even a possibility of his being mistaken.

He was questioned by the district attorney and Judge W. L. Maginnis, but they were unable to break his story.

Just before closing his testimony yesterday afternoon the defense attempted to introduce a promissory note for \$100 signed by Dr. Beers, which was said to have been introduced for the purpose of comparing the writing alleged to be that of the doctor with that on the letters. This note was presented by G. R. Cleveland, a Salt Lake commission man. Strenuous objections were put up by the prosecution and the matter was taken under advisement by the court. Immediately following this, E. H. Hodge, cashier of an Ogden bank, was put on the stand. After he had looked at the signature on the note he was asked to look at two letters produced by the prosecution and the objections of the state were again entered. Accordingly the case could go no farther and an adjournment was taken.

This is the first advent of any letters from Dr. Beers to Mrs. Walker, while the latter was in Los Angeles. The contents of the letters were written in the testimony of the defendant. While the public, it is understood that the note was written under date of Sept. 14 and Sept. 17. Both letters are said to have been written in endearing terms. Beers expressed himself as being sorry that he was unable to see Mrs. Walker before she left for the coast. He asked her to tell him all that Walker had said to her concerning him and the trouble they had, and told her of the action that was brought in the district court to take away his income as a physician. He wrote that this would cost him \$100 or \$120, but that he did not fear the outcome and that troubles never came singly. Beers also wrote that he would be unable to go to Los Angeles until after the case brought against him by the state medical board had been disposed of.

It depends entirely upon the ruling of Judge Howell as to whether these letters will be received in evidence. His ruling on the matter will be made on Tuesday afternoon, to which time court was adjourned yesterday to enable Junior Levi J. Taylor to attend the funeral of his brother, Josiah Taylor, who died on



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Sunday and who will be buried this morning.  
Much of the time yesterday was taken up with arguments of counsel. Objections came frequently and in each instance lengthy arguments followed. Juror No. 11, who was stricken with an attack of bronchial trouble on Sunday evening, was able to be in his place, although suffering. District Attorney Halvorsen announced at the opening of court that he was indisposed and asked that he be excused, permitting Judge Court to act in his place. Attorney Hutchinson objected and the objection was sustained by the court, unless it developed that counsel for the state was too ill to proceed further in the case.  
Judge Howell, who had under consideration the relevancy of introducing evidence tending to show the character of the accused's wife, since the previous session, sustained the objection of the defense, and Walker was not asked anything more along this line.

Much of the ground covered on Walker's previous examination was again gone over yesterday. He could not give any intelligent reason as to why he walked the floor all night when he discovered his wife's name and that of Mrs. W. W. Wallace written on the Henry Hotel register. He defined what he understood to be symptoms of epilepsy, with which he testified his wife was suffering and for which she was treated by Dr. Beers. He said that Mrs. Walker had been examined by a doctor a couple of years ago and that he diagnosed her case the same as Dr. Beers.

The witness was closely questioned with regard to the conversation said to have occurred between him and Beers immediately before the tragedy. He would not admit that when he told Dr. Beers that he was willing to be searched by him to "see that he had not any thing on him" he meant deadly weapons or weapons of any kind. When closely interrogated on this point, Walker stated that he only wanted to talk with Beers and have him know that he was in a fair way. He said he did not see Beers eating chocolates as he came to the store where the tragedy occurred and said that Beers appeared defiant when witness told him that he might search him and see that he had nothing on him.

The district attorney spent much time in trying to get the witness to make admissions regarding the writing of the letters in the case and thus discredit the testimony of Mrs. Donohue. When Walker was asked to recite for the third time all that he remembered having said or done between him and Dr. Beers he repeated, word for word, the story he had told before. He insisted that he did not think his wife untrue until he was told by Dr. Beers and stated that he did not know she had been untrue by all the circumstances and by what that man told him.

"Would you rather believe Dr. Beers than your wife?" asked the district attorney.  
"I have no choice between them now," said Walker as he choked back the sobs that rose in his throat.  
On several occasions counsel for both sides joined in offering documentary evidence. This is true of both the Hermitage and the Sequoia. The envelopes in which Walker is said to have enclosed the three letters to his wife, which he objected to have introduced by counsel for the defense to the register of the European hotel.

In addition to Mr. Cleveland and Mr. Hogg, J. J. Gallagher of Salt Lake, who conducted the restaurant at the Hermitage last summer, was on the stand during the afternoon. He testified as to his connection with the Hermitage and was asked if he knew anyone who occupied rooms 9 and 10 on Sept. 10. In the argument which followed, the district attorney, who had introduced the letters, stated that the defendant could not corroborate the confession of defendant by the deceased. This point was still undecided when court adjourned for the day.

### FRANCHISE FOR A VIADUCT.

After Years of Wrangling Satisfactory Ordinance Passes Council.

After years of contention, the city council last evening passed the franchise giving to the Harriman railroad the right to construct a viaduct over the city street road yards at Twenty-fourth street. The ordinance was passed after one of the longest sessions in the history of the council.

The only material change in the franchise as originally asked for was in Section 2, which sets forth who shall maintain the structure after it has been completed. The railroad people held that after they had built the viaduct the city should maintain a roadway and walk, and the city held that the railroad should maintain the whole viaduct. A compromise was effected, however, and the franchise passed last evening provided that the city shall maintain the roadway and the railroad shall maintain the viaduct. The city reserves the right to grant franchises to street railroads or interurban roads to cross the viaduct, but in such an event the electric line will maintain the railroad's portion of the structure.

Engineer George McGonigle, representing the railroad interests, was present at last night's meeting and at its conclusion he stated that he was of the opinion that the railroad company would accept the franchise. Before the franchise was finally disposed of some personalities were indulged in by several of the councilmen. During a debate between Councilmen Fox and Thomas the former called the latter's attention to the fact that the special right committee, which he was chairman, has failed to render a report on the Willard canyon power site question. Mr. Thomas promised to report on this proposition before the first of the year.

When the final vote was taken on the franchise all voted in favor of the measure except Councilman Browning, who also took advantage of the occasion to make a full out of the railroad corporation for what he termed its unjust treatment of the city in the past.

### ELECTION IS CONTESTED.

Huntsville Man Wants Result in That Town Upset.

M. C. Mortensen, representing the anti-reform party of Huntsville, commenced an action in the district court yesterday to have declared null and void the election held Nov. 5 of this year. The action is directed against those declared elected at that time. The action was made returnable before Judge Howell, Jan. 14. Mortensen sets forth as reasons in support of his contention that the casting of the ballots, counting and canvassing the same was illegal, there being no regular official ballots prepared; that the recorder failed to provide the judges with official ballots; that the registration agent of that district neglected to post a notice of election; that the ballots were not of the proper character, and that he and interpreters for those who applied to vote were not qualified. He further states that about 80 persons applied for and received ballots prepared by the recorder, but that the two interpreters, who were not qualified by law, it is further held that but few of those applying were really ignorant of the English language, and more than 100 out of a total poll list of 244 voters were cast. This action comes as the result of one of the most peculiar elections ever held in the state.

Coal Given to the Poor.  
Overseer of Poor Stanford reported to the board of county commissioners yesterday that he had distributed 102 tons of coal among the poor and that three cars remained to be distributed before the holidays.  
Another petition for the narrowing of

## FIGHTING THE UNION PACIFIC

### Nebraska Railway Commission Charges the Harriman Road With Unjust Discrimination.

Lincoln, Dec. 16.—Acting as a special examiner for the interstate commerce commission, John H. Marble today held an all-day hearing on the complaint of the Nebraska state railway commission, alleging that the Union Pacific Railroad company is guilty of discrimination in that it charges more for coal hauled from its mines in Wyoming to Nebraska points than it does to towns in Kansas, a similar distance from the mines. The railroad company elected to make its defense wholly on the question of discrimination, which it claimed was justifiable, but Examiner Marble permitted the inquiry to take a wide range, going into the question of reasonableness of rates and short haul discrimination. The inquiry was held in the Nebraska state railway commission building, which is a large, modern structure. Rate Expert Powell of the Nebraska commission was the chief witness, and he testified that from the Union Pacific's annual report it was shown that the cost to the company of coal hauled down in Nebraska was \$1.50 a ton. Attorneys for the road disputed the figures, but offered no specific evidence in rebuttal. Mr. Powell said he found the road owned \$5,000,000 in stock and \$3,000,000 in bonds of the Union Pacific Coal company, and that its income from the holdings last year was \$27,000.

Mr. Powell alleged that the Union Pacific, while insisting upon a charge that netted it a revenue per ton mile of over nine mills from Wyoming points to Omaha, was content to haul sugar from Colorado points to Omaha for 7.5 mills per ton mile and from Colorado to Kansas City for 6.5 mills. Sugar is worth \$10 a ton, while coal is worth in the local market but \$8.50, the higher charge being put upon the least valuable commodity. On the question of discrimination, Mr. Powell said that notwithstanding the fact that engines could haul nearly twice as much in Nebraska, it is Kansas, owing to the better grades, the road is content with a revenue per ton mile in Kansas being 9.5 mills, while in Nebraska it is 10.75 mills.

Mr. Marble concluded the hearing tonight and will submit the record to the commission at Washington.

### WRECK AT GREEN RIVER.

One Man Is Killed and Four Others Are Injured.

Additional information regarding the wreck at Green River, Wyo., as reported in yesterday's Herald, was received here yesterday. The wreck occurred at 8:45 o'clock Sunday evening. A K. Bell, fireman on the passenger train, was instantly killed and Engineer Hargis and four others were injured.

The cause of the wreck is not given. It is known, however, that as the passenger train was pulling into Green River a switch engine dashed from a siding onto the main line and a head-on collision resulted. Both engines toppled over and Bell was caught in the wreckage. He was instantly killed. Engineer Hargis was painfully injured, but it is not believed that he was fatally hurt. Three passengers reported to have been injured were seriously hurt by being thrown about the car, but their injuries were not of serious nature. Baggage men Law also received minor injuries.

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### SAYS JUSTICE MISCARRIED

Austrian at Penitentiary Will Ask Pardon on Grounds That He Did Not Commit Crime Charged.

An effort is being made to secure the release from the penitentiary of Yoso Bachich, an Austrian, sentenced two years ago to five years at hard labor, for taking part in the murderous assault made upon Deputy Sheriff Lafayette Chidister at Bingham March 24, 1905.

Bachich, it was said, was in the crowd which shot the deputy and, with several others, he was sent to the penitentiary.

### OGDEN AND WEBER'S SCHOOL POPULATION

The results of the school census taken in August have been submitted to the county auditor in accordance with the provisions of the new school law. The school population of Ogden is 6,850 and the county of 2,400. The school fund has been distributed on the basis of \$1.90 per capita and this gives the city schools \$13,210 and the county schools \$5,544. Warrants were issued yesterday and authorized by the commissioner.

### BURIAL OF GEORGE ROWLEY.

American Fork, Dec. 16.—Funeral services over the remains of George Rowley, who died here Saturday afternoon, were held in the Second ward L. D. S. chapel at 1 o'clock today. There was a large turnout of friends and relatives to pay their last tribute of respect to the departed pioneer. The floral offerings were many and very beautiful. The life of the deceased was eulogized by a number of speakers, each speaking of his long and useful life. The singing was furnished by the choir, and a number of appropriate selections were rendered. A large cortege of carriages followed the remains to the City cemetery.

### A Sunset

Would make a nice Christmas present. Complete line of sunsets and moon and scenery now on hand. Harry Shipner, Commercial Photographer, 151 South Main.

### Good Printing.

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### HOLIDAY EXCURSION RATES

Via Oregon Short Line, Dec. 19 and 20. Round trip to Denver, Colorado Springs and Pueblo, \$19.75; to Omaha or Kansas City, \$22.00; to Portland or Spokane, \$23.50; to San Francisco direct, \$33.75; to Los Angeles via San Francisco, \$42.90. Tickets good thirty days. City Ticket Office, 201 Main street.

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By Miss Josephine MacCallin at 446 E. Third South. Sale every afternoon until Christmas.  
Ask for that NEW BREAD at your grocery. Vienna Walnut Bread.

You are invited to partake of a cup of

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Demonstration of Malleable Steel Range by well known cook, Mrs. Lena Birch, until Saturday, December 21st.

tentary. It appears that Chidister attempted to break up a fight in a house where there were a large number of Austrians. When he entered the house he was shot in the leg, but showed great bravery by laying in the doorway with a drawn revolver and prevented the escape of those inside until help came and the crowd was arrested. For his bravery the last legislature voted him \$2,500.

Some of the Austrians were convicted and others were allowed to go free. It was claimed by the prosecution that Bachich, during the trouble, escaped and he was afterward arrested at Kaysville.

He tells a different story, however, and still maintains that he was not in the house at the time and had nothing to do with the affair. He asserts that he arrived at Bingham the day of the shooting and, hearing of the trouble at the house, informed the mine superintendent. The next day he went to Bingham Junction, where a friend told him he had better leave the state or he would be arrested. He got as far as Kaysville when he detained.

The jury which tried his case returned a verdict of guilty of assault with intent to commit murder, and his attorneys tried habeas corpus proceedings before the supreme court, but failed. Parley P. Christensen, county attorney at the time of the trial, is now the Austrian's attorney, and says that he is confident that there was a miscarriage of justice when his client was convicted, and that he has served two years for a crime with which he had nothing to do.

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and prices are so reduced as to make it possible for every family to have an instrument. For instance, as a

**TUESDAY SPECIAL** We offer a Victor Jr., 2 doz. records and record case for \$15.50

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Beautiful styles in dependable qualities. If you intend to have hosiery among your gifts, these are the right kinds, attractively priced for this week's special selling.

Ladies' plain black pure silk hose. In a very fine quality, with double soles and high spliced heels and toes, best \$2.00 grade, all sizes.	<b>\$1.35</b>
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Ladies' black pure silk hose, embroidered in neat colored design, nothing prettier in the best \$3.25 quality; goes this week at.	<b>\$2.25</b>

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MISSIE'S RED FELT JULIETS, with hand-turned leather soles and black fur tops (sizes 11½ to 2½ value \$1.35; our sale price.	<b>95c</b>
LADIES' CROCHET BEDROOM SLIPPERS, with PEERLESS SOLES, come in black, red or blue, all sizes, value \$1.25; our sale price.	<b>95c</b>
LADIES' BLACK OR RED FELT JULIETS, with leather soles, all sizes; our sale price.	<b>95c</b>
MEN'S HOUSE SLIPPERS, in leather or cloth, with soft quilted inner soles; (sizes 6 to 10) value \$1.25; our sale price, pair.	<b>85c</b>

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To give a boy a present from our juvenile section not only means that you will secure a useful and acceptable gift, but that you will purchase at the very lowest price consistent with high quality of merchandise. All are up-to-date styles.

75c BOYS' GAUNTLET GLOVES, 49c. Boys' leather gauntlet gloves, with silk embroidered cuffs and backs, trimmed with leather fringe; an extra quality 75c glove; special this week only.	<b>49c</b>
A NICE NEW SUIT. \$5.00 BOYS' SUITS ONLY \$3.55. Boys' suits in serges and fancy mixed chevrons, strictly up-to-date in every particular, the best and most useful of all gifts for boys; special Xmas offer this week, \$5.00 suits only.	<b>\$3.35</b>
A GOOD OVERCOAT. \$7.50 OVERCOATS ONLY \$4.95. Overcoats made up in the very latest styles in dark navy blue, oxford gray and fancy mixed colors; extra fine \$7.50 values; special this week only.	<b>\$4.95</b>

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25c SILK HANDKERCHIEFS 19c. A big assortment of fancy bordered silk handkerchiefs, 15 inches square, with ¼ and ½-inch fancy colored hemstitched borders; special this week.	<b>19c</b>
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1 \$450 Mahogany Piano, Elaborate Case	210.00
1 \$475 Piano, Beautiful Mahogany Case	210.00
1 \$500 Piano, Carved Panels, for	225.00

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